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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/992,770	12/17/1997	KAZUHIKO HACHIYA	SONY-6900	4200

29175 7590 10/06/2003  
BELL, BOYD & LLOYD, LLC  
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CHICAGO, IL 60690-1135

EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 10/06/2003

36

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

08/992,770

Applicant(s)

HACHIYA ET AL.

Examiner

Thong H Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 99-104, 116 and 123 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 99-104, 116, 123 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |                                                                                              |                                                                             |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

1. Claims 1-24,49,52,54-70,93-98,105-115,117-122,124 and 125 have been allowed. Claims 99-104,116 and 123 are pending. The rejection is cited as stated below.

***Response to Arguments***

2. Applicant's arguments filed 7/21/03 have been fully considered but they are not persuasive to overcome the prior art.

Applicant argues the prior art does not teach randomly generated agent parameters such as action, behavior, character and appearance relating to expression of the agent itself are set.

Examiner notes the prior art taught a mail agent as a software tool assist a user by informing of messages, editing mailing list, changing parameters [Li col 8 line 52-9 lines 10, 46-col 10 line 10]. It is obvious the software control changing parameters by randomly would result the changing behavior or process, action, performance of the agent [see Kalar reference], col 6 lines 21-33]. Thus, the rejection is sustained.

3. Claims 99-104,116 and 123 rejected under 35 U.S.C. 103(a) as obvious over Li et al [6,067,568] in view of the obviousness in the art.

4. As per claims 99,116,123 Li discloses a method of providing an agent, which assist a user interacting or generating an agent parameter (i.e.: informing of messages, changing email parameters) which is configured to determine a behavior of an agent adapted to delivery E-mail [col 8 lines 52-col 9 line 10] and storing said agent in a memory device (i.e.: display an agent or icon) [col 9 lines 47-57, col 10 lines 43-60]

However Li does not explicitly teach the randomly generating an agent parameter.

A skilled artisan would have looked to the Electronic Messaging art to improve the Li's system and found the well-known feature that a parameter could be randomly generated [Kotabe Kara, Will, Nakano, Aziz, Brust, Kasiviswanathan, Carr, Lee, Shur reference].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the e-mail apparatus wherein the parameters could be randomly generated by an agent, server, database as taught by the well-known art into the Li's system in order to improve the automatic sending email process by controlling the header information. Doing so would utilize the email with the changing electronic mail parameters (or appended the main text) by using an appended header to provide the quick, simple and reliable process on email service on the network.

5. As per claims 100-104, Li discloses sending said agent parameter through a communication network using an E-mail; updating, receiving, displaying, modifying said agent parameter [a mail agent assist a user by informing of messages, editing mailing list, changing parameters, Li col 8 line 52-9 lines 10, 46-col 10 line 10].

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached at (703) 308-5221.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

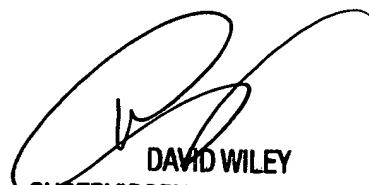
After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

*Thong Vu*  
*Patent Examiner*  
*Art Unit 2142*



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100